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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,772	02/13/2001	Hideharu Ogawa	45023-1001	7906
7590	06/01/2005		EXAMINER	
Mitchell P Brook LUCIE, FOREWARD, HAMILTON & SCRIPPS 11988 EL CAMINO REAL SUITE 200 San Diego, CA 92130			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3713	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/762,772	OGAWA, HIDEHARU	
	Examiner Kim Nguyen	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 March 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-7,9-13 and 15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-7,9-12 and 15 is/are rejected.

7) Claim(s) 13 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____ .

DETAILED ACTION

Examiner acknowledges receipt of the RCE filed on 5/10/04 with the amendment on 3/4/05. According to the amendment, claim 14 has been canceled, and claims 1-7, 9-13, and 15 are pending in the application.

Claim Objections

1. Claims 1-2, 4-5, and 15 are objected to because of the following informalities:
 - a) In claim 1, line 5; claim 2, lines 4-5; claim 5, lines 5-6; and claim 15, line 5, the claimed limitation “said mobile terminal” should be corrected to “a mobile terminal”.
 - b) In claim 1, lines 8-9; claim 2, line 7; and claim 15, line 7, the claimed limitation “the players” should be corrected to “a player”.
 - c) In claim 1, line 9; claim 5, line 8; and claim 15, line 8, the claimed limitation “the high-ranking players” should be corrected to “high-ranking players”.
 - d) In claim 1, line 10; claim 2, line 10; claim 5, line 7; and claim 15, line 11, the claimed limitation “the players” should be corrected to “the player”.
 - e) In claim 1, line 20, the claimed limitation “the score data” should be corrected to “the new score data”.

- f) In claim 1, line 20, the claimed limitation "users input" should be corrected to "player's input".
- g) In claim 4, line 4, the claimed limitation "a player" should be corrected to "the player".
- h) In claim 5, line 6, the claimed limitation "from said mobile terminal" should be corrected to "from said mobile terminals".
- i) In claim 5, line 10, the claimed limitation "player; associated" should be corrected to "player associated".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

- 2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 3. Claims 5-7 and 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a) Claim 5 recites the limitation "said identifier" in line 11. There is insufficient antecedent basis for this limitation in the claim.
- b) Claims 6-7 and 9-11 are rejected as being dependent on the rejected base claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-7, 9-11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colley (US patent No. 5,283,733) in view of Born et al (US patent No. 5,949,679) and Iijima et al (US patent No. 6,839,435).**

As per claim 1-2, Colley discloses a score management system comprising mobile terminals 5 (Fig. 1) and a score management server 3 (Fig. 1) are connected to each other via wireless communication (col. 3, lines 8-16). The score management server receives and transmits score status from/to the mobile terminal (col. 3, lines 60-68; and col. 4, lines 1-2) and identifying the identity of the mobile terminal (col. 1, lines 33-36 and 43-45), receives and updates the score data from the mobile terminal (col. 4, lines 17-18; and col. 3, lines 55-59); the mobile terminal transmits and receives the score data to/from the management server (col. 3, lines 60-65; and col. 5, lines 26-27), lines 1-2 and 37-39), displays the score data (col. 3, lines 66-68; col. 4, lines 1-2 and 37-39), and transmits the request for inputting the score data to the score management server (col. 4, lines 17-18). Colley does not explicitly disclose

storing the score data in the score management server. However, storing score data in a memory of a server would have been old and well known in the art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement a well known memory to the score management server 3 (Fig. 1) of Colley in order to facilitate storing and managing score data of the player's terminals. Colley does not disclose a server that transmits stored score data of high-ranking players and an input form to the mobile terminal. However, Born discloses transmitting an input form (col. 19, lines 32-9); and since Iijima discloses displaying transmitted data concerning ranking of the players (col. 4, lines 6-20), Iijima encompasses teaching transmitting the high-ranking players. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the player an input form on the mobile terminal display of Colley in order to allow the player to input score data and player's information by filling out the provided form.

As per claim 3, since Colley discloses transmitting score status data to a mobile terminal (col. 3, lines 60-68), Colley obviously discloses a transmission controller for controlling transmission of score data. Colley does not explicitly disclose transmitting the score status data in response to the update of the score data. However, Colley discloses the capability to transmit the update

score data to the mobile terminal and the capability to transmit real time score data (col. 3, lines 63-65). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to transmit the real time updated score data to the mobile terminal in response to the update of the score data in order to inform the player the up-to-date scores.

As per claim 4, Born discloses transmitting an input form that includes score status data (col. 19, lines 47-51).

As per claim 5-7, refer to discussion in claims 1 -4 above. Since Colley discloses a score management server that performs the same function as the claimed method of claims 5-7, an ordinary person skilled in the art at the time the invention was made would be able to derive a program to be stored in a computer recording medium to perform the function of the score management server of claims 2-4.

As per claim 9-11, Colley does not explicitly disclose using a data recording medium such as a compact disc, a floppy disk, a hard disk, etc. to store a computer program. However, using a data recording medium such as a compact disc, a floppy disk, a hard disk, etc. to store a computer program would have been old and well known in the art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a well known recording medium to the system of Colley in order to store an executable program to manage the score management server.

As per claim 15, refer to discussion in claim 1 above.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Colley (US patent No. 5,283,733) in view of Born et al (US patent No. 5,949,679), Iijima et al (US patent No. 6,839,435) and Lester et al (US patent No. 6,745,043)

As per claim 12, using a portable phone as a mobile terminal with a telephone number as an identifier would have been old and well known in the art as supported by Lester et al in col. 6, line 62. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the well known portable phone as a mobile terminal 5 (Fig. 1) of Colley in order to allow the player to obtain a plurality of telephone services besides getting scoring report from the server.

Allowable Subject Matter

7. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to show or fairly suggests a score management server set forth in the independent claim 2 in combination with

claim 13. Specifically, the score checker checks the new score data received by the input request receiver; the form transmitter transmits the input form to the mobile terminal for inputting the correct score in the case that the new score data is wrong, and the update unit updates the new score data in the case that the new score data is not wrong; the score checker is embedded in the score management server as recited in claim 2.

Response to Arguments

8. Applicant's arguments filed 8/22/03 have been fully considered but they are not persuasive.
 - a) Applicant's argument in page 6 concerning transmitting the score status of high-ranking players is moot in view of the new ground of rejection.
 - b) In response to applicant's argument in page 7, on claim 12, Lester discloses the well-known using portable phone as a mobile terminal with a telephone number as an identifier in col. 6, line 62.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is 571-272-4441. The examiner can normally be reached on Monday-Thursday during business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on 571-272-7147. The central official fax number for the organization where this application or proceeding is assigned is 703-872-9306.

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Date: May 27, 2005



Kim Nguyen
Primary Examiner
Art Unit 3713